

OCT 27 2005

Terri A. Lorenzon, Director
Environmental Quality Council

BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Jay Vincens)
Red Canyon Holdings, LLC)
730 East Main)
Lander, WY 82520)
)

DOCKET NUMBER 3810-05

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Facility number 0-003185 is located at 730 East Main, Lander, Wyoming. There are four active underground storage tanks and five temporarily out of use underground storage tanks on this facility. On May 11, 2005, Red Canyon Holdings, LLC (owned by Jay Vincens) was invoiced for underground storage tank fees and provided with an annual registration form filled out for the facility. On August 24, 2005 and September 27, 2005, Red Canyon Holdings, LLC, was again invoiced for underground storage tank fees. The responsibility for underground storage tank fees rests with either the owner or the operator. Red Canyon Holdings, LLC, is registered as both the owner and the operator. Underground storage tank fees have not been paid for fiscal year 2006. Presently One Thousand Eight Hundred Dollars (\$1,800.00) remains unpaid, and the fiscal year 2006 registration has not been submitted.

Red Canyon Holdings, LLC is required to provide a functional test of the line leak detectors on this site at least once a year. The last such test was done July 12, 2004. This test was required to be repeated no later than July 12, 2005;

2. Red Canyon Holdings, LLC has failed to pay underground storage tank fees which are mandatory under W.S. 35-11-1425, and has failed to register the tanks as required by W.S. 35-11-1419 and Chapter 17, Section 7(b), Wyoming Water Quality Rules and Regulations. Red Canyon Holdings, LLC has failed to perform a line leak detector test on the four active tanks at this location;

3. Since the underground storage tank fees have not been paid for fiscal year 2006, and those fees were due July 1, 2005, Red Canyon Holdings, LLC/Jay Vincens, is required to provide financial responsibility under Chapter 19, Wyoming Water Quality Rules and Regulations;

4. W.S. 35-11-1419 states: "On or before July 1 of each year the owner or operator of a tank shall register the tank with the department on forms developed and furnished by the department."

W.S. 35-11-1425 states: "On or before July 1 of each year either the owner or operator of a tank shall pay a fee to the department of two hundred dollars (\$200.00) per tank owned or operated, except that the owner or operator of an aboveground storage tank subject to this section that holds five thousand (5,000) gallons or less shall pay a fee of fifty dollars (\$50.00) per tank owned or operated. This fee shall be deposited in the corrective action account."

Wyoming Water Quality Rules and Regulations, Chapter 17, Section 7(b), states: "On or before July 1 of each year either the owner and/or operator of an underground storage tank system shall register the system with the department on forms developed and furnished by the department. The registration form shall be submitted under oath or affirmation."

Wyoming Water Quality Rules and Regulations, Chapter 17, Section 7(e)(iii), states: "(e) All owners and/or operators of new underground storage tank systems must certify on the notification or certification of compliance form conformance with the following requirements: (ii) Financial

responsibility under Chapter 19, Water Quality Rules and Regulations, underground Storage Tank Program Financial Responsibility.”

Wyoming Water Quality Rules and Regulations, Chapter 17, Section 14(b)(i), states: “Owners and/or operators of petroleum underground storage tank systems must provide release detection for tanks and piping as follows: (b) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one (1) of the following requirements: (i) Underground piping that conveys regulated substances under pressure must: (A) Be equipped with an automatic line leak detector in accordance with Sections 17; and (B) Have an annual line tightness test or monthly monitoring conducted in accordance with Section 17.”

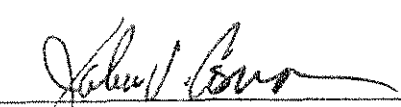
Wyoming Water Quality Rules and Regulations, Chapter 17, Section 17(a) and (b), state: “(a) Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm, may be used only if they detect leaks of three (3) gallons per hour at ten (10) pounds per square inch line pressure within one (1) hour. An annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements. (b) Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half (1 1/2) times the operating pressure.”

5. By failing to pay underground storage tank fees for facility 0-003185, Red Canyon Holdings, LLC, has violated W.S. 35-11-1425. By failing to register the tanks on facility 0-003185, Red Canyon Holdings, LLC, has violated W.S. 35-11-1419 and Chapter 17, Section 7(b), Wyoming Water Quality Rules and Regulations. By failing to provide financial responsibility for facility 0-003185, Red Canyon Holdings, LLC, has violated Chapter 17, Section 7(e)(iii), and Chapter 19, Wyoming Water Quality Rules and Regulations. By failing to perform a functional test of the automatic line leak detectors on this location when required on July 12, 2005, Red Canyon Holdings, LLC, has violated Chapter 17, Wyoming Water Quality Rules and Regulations, Section 14(b) and Section 17(a) and (b);

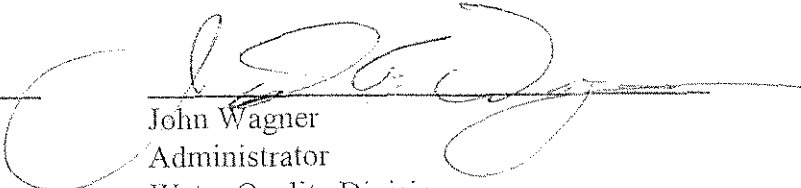
6. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 24th day of October, 2005



John V. Corra
Director
Department of Environmental Quality



John Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht at Herschler Building, 4W 122 West 25th Street Cheyenne, WY 82002, (307) 777-7095.

JFC/JFW/RFL/bb/5-1145.ltr